

Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 1

**ARBITRATIONS
AND
DIPLOMATIC SETTLEMENTS
OF THE
UNITED STATES**

**PUBLISHED BY THE ENDOWMENT
WASHINGTON, D. C.**

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Introductory Note

From time to time the Carnegie Endowment for International Peace has been requested to furnish information concerning arbitrations to which the United States has been a party, and the frequency of these requests leads to the conclusion that a statement of the arbitrations with a minimum of details and appropriate references would not only be of general interest, but would advance the cause of arbitration by showing how frequently and successfully it has been resorted to.

The pamphlet has therefore been prepared for the purpose of giving in brief and summary form the arbitrations to which the United States has been a party. It has been thought advisable to include diplomatic settlements which are in the nature of arbitral adjustments. References are given under each case to various publications which the student or reader may consult for more detailed information. A summary showing the pecuniary awards rendered is given at the close of the pamphlet.

JAMES BROWN SCOTT,
Director of the Division of International Law.

WASHINGTON, D. C.,
April 1, 1914.

190179

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ARBITRATIONS AND DIPLOMATIC SETTLEMENTS
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Brazil

American Schooner "John S. Bryan."

Seized in the Province of Para, Brazil, in June, 1836. Commissioners appointed October 15, 1842, to determine amount of loss and damage suffered. Awarded the United States 26 contos of reis (\$29,120). *Diplomatic Settlement.*

Moore, V, 4613; Darby, 779.

Brazilian Indemnity.

Long outstanding pecuniary claims were settled, under convention of June 27, 1849, by the appropriation by Brazil of 530,000 milreis (\$595,600). *Diplomatic Settlement.*

Moore, V, 4609; Malloy, 144; Darby, 896.

Whaleship "Canada."

Indemnity for loss of ship and cargo through interference of Brazilian officials in 1856. Settled by arbitration under protocol of March 14, 1870. Awarded United States \$100,740.04. *Arbitrator:* Great Britain.

Moore, II, 1733; V, 4687.

Chile

Schooner "Macedonia."

Loss of silver bullion taken from ship by Chilean admiral in 1821. Settled by arbitration under convention of November 10, 1858. Awarded United States \$42,400. *Arbitrator:* Belgium.

Moore, II, 1449; V, 4689; Malloy, 183; La Fontaine, 35; Darby, 785; Brit. and For. St. Paps., vol. 49, p. 492.

Whaleship "Good Return."

Detention by Chilean authorities in 1832. Settled by payment of \$20,000 to the United States in 1874. *Diplomatic Settlement.*

Moore, II, 1466; Darby, 799; La Fontaine, 221.

Mutual Claims.

Arose out of Chilean wars of 1879–82 and 1890–91. Settled in 1894, by arbitration by a mixed commission under convention signed August 7, 1892. Awarded the United States \$240,564.35. No award to Chile. The commission under the convention having failed, through limitation, to conclude its task, leaving certain claims duly presented to it unadjudicated, a new convention was signed May 24, 1897, to renew the convention of August 7, 1892. The claims commission appointed under the convention of 1897 awarded \$28,062 gold, in favor of the United States and \$3,000 gold in favor of Chile. *Commissioners* (both commissions): 1 United States, 1 Chile. *Umpire*: Switzerland.

Moore, II, 1469; III, 2231; IV, 3255; V, 4691; Malloy, 185, 190; Darby, 820; For. Rels. U. S. (1888), I, 180; Martens, 2d Series, XXII, 339; Brit. and For. St. Paps., vol. 84, p. 600; La Fontaine, 474.

Alsop Claim.

Breach of contract between Bolivia and Alsop Company doing business in what is now Chilean territory, but at that time Bolivian Territory. Settled by arbitration in 1911, under agreement signed December 1, 1909. Awarded United States \$906,666.78. *Amiable Compositeur*: Great Britain.

Alsop Claim; MS., Dep't of State; Am. J. Int. Law, V, 1079.

China*Chinese Indemnity.*

Destruction of property of American citizens in 1856. Settled under convention of November 8, 1858, China allotting the sum of \$735,238.97. Award in favor of the United States only \$489,187.95, but the Chinese Government refused to accept the surplus, which subsequently was used in payment of other established claims against the Chinese Government. *Diplomatic Settlements*.

Moore, V, 4627; Malloy, 232; Darby, 897; For. Rels. U. S. (1885), 183.

Ashmore Fishery Claim.

Dispossession of American citizen of a fishery in Chinese territory. Settled by arbitration May 24, 1884. Awarded United States, \$4,600. *Arbitrators*: 1 Great Britain, 1 Netherlands.

Moore, II, 1857; Darby, 805; La Fontaine, 601.

Boxer Indemnity of 1901.

Indemnity for losses and damages suffered by American citizens and for expenses of military and naval operations of the United

States arising out of the insurrection of 1900. Under the provisions of the protocol between China and the allied Powers, of September 7, 1901, and its annexes, the former Government obligated itself to pay to the signatory governments certain indemnities,—that of the United States being placed at \$24,000,000, gold. Since the signing of that protocol the United States has reduced its indemnity to \$11,000,000, and remitted to the Chinese Government the \$13,000,000 remaining of the original indemnity demanded. *Diplomatic Settlement.*

Malloy, 2006; MS., Dep't of State; For. Rel. U. S. (1901), App.; 35 Stat. L., 577.

Colombia

"Panama Riot" Claims.

Arising out of violation of rights acquired by the United States on the Isthmus of Panama under the Treaty of 1846 with New Granada, and for damages arising out of a riot at Panama on April 15, 1856. Settled by mixed commission under convention of September 10, 1857. Awarded United States \$496,235.47. Remaining unadjudicated claims continued for later adjudication. These latter settled in 1865-66 by a mixed commission under the convention dated February 10, 1864. Awarded the United States \$88,367.19. *Commissioners* (first commission): 1 Mexico, 1 United States. *Umpire*: United States; (second commission): 1 United States, 1 Colombia. *Umpire*: Great Britain.

Moore, II, 1361, 1396; V, 4694; Darby, 783, 789; Brit. and For. St. Paps., vol. 47, p. 353; vol. 54, p. 1132; La Fontaine, 33, 620; Malloy, 319, 321.

Steamer "Montijo."

Indemnity for capture and use by insurgents in April, 1871. Settled in 1875 by a mixed commission under agreement of August 17, 1874. Awarded the United States \$33,401. *Commissioners*: 1 United States, 1 Colombia. *Umpire*: Great Britain.

Moore, II, 1421; V, 4698; For. Rels. U. S. (1875-76), 427; Darby, 799; Brit. and For. St. Paps., vol. 65, p. 619; La Fontaine, 209.

Costa Rica

Pecuniary Claims.

Claims of American citizens for personal injuries and damages to property due to acts of Costa Rican authorities. Settled in 1862, by arbitration by a mixed commission under the convention signed July 2, 1860. Awarded the United States \$25,704.14. *Commissioners*: 1 United States, 1 Costa Rica. *Umpire*: Italy.

Malloy, 346; Moore, II, 1551; V, 4701; Darby, 786; Brit. and For. St. Paps., vol. 50, p. 498; La Fontaine, 38.

Denmark

Mutual Claims.

Arose out of detention and confiscation of merchant vessels and goods during the Napoleonic wars. Settled in 1833, under the convention of March 28, 1830, by a domestic commission composed of American citizens, Denmark having previously renounced her own claims and agreed to pay a total of \$650,000 to American claimants. *Diplomatic Settlement.*

Darby, 894; Moore, V, 4549; Malloy, 377; Martens, VIII, 350; Brit. and For. St. Paps., vol. 17, p. 958; Am. St. Paps., For. Rels., III, 521.

Carlos Butterfield & Company.

Seizure and detention, in 1854-5, of vessels named *Ben Franklin* and *Catherine Augusta*. Settled in 1890, by arbitration under an agreement signed December 6, 1888. Claim rejected. *Arbitrator:* Great Britain.

La Fontaine, 329; Malloy, 387; Darby, 814; Moore, II, 1185; V, 4710; Martens, 2d Series, XV, 790; For. Rels. U. S. (1889), 151; Brit. and For. St. Paps., vol. 82, p. 756.

Dominican Republic

Ozama Bridge Case.

Claim arising out of seizure, by municipal authorities of Santo Domingo City, of a toll bridge owned by an American citizen under concessions from city government. Referred to arbitration under agreement concluded by diplomatic correspondence in 1897-98. Awarded United States \$74,411.17. *Arbitrator:* United States.

Moore, Digest, VI, 729; For. Rels. U. S. (1898), 274.

J. Sala & Company.

Claim of American firm for supplies furnished to late President. Submitted to arbitration by agreement between the firm and Dominican Government in January, 1903. Awarded United States, \$215,000. *Arbitrators:* United States and Bolivia.

Darby, 904; MS., Dep't of State.

San Domingo Improvement Company.

Differences arose between the Dominican Government and certain American corporations. Under a protocol signed January 31, 1903, the companies withdrew from the Dominican Republic, and the question of indemnity was submitted to arbitrators. Award of \$4,481,250 in favor of the United States. *Arbitrators:* 1 United States, 1 Dominican Republic. *Umpire:* United States.

For. Rels. U. S. (1904), 270; Malloy, 414; Moore, Digest, VI, 523, 734.

Ecuador

Pecuniary Claims.

Mutual claims of citizens of the two countries which arose out of various governmental acts. Settled in 1865 by a mixed commission under the provisions of the convention signed November 25, 1862. Awarded United States \$94,799.56. *Commissioners*: 1 United States, 1 Ecuador. *Umpire*: Venezuela.

Moore, II, 1569; V, 4711; Darby, 787; Malloy, 432; Brit. and For. St. Paps., vol. 54, p. 1121; La Fontaine, 40.

Santos Claim.

Illegal arrest in December, 1884, of Santos, an American citizen, who was charged with complicity in the revolution. Settled by arbitration on September 22, 1896, under convention signed February 28, 1893. Awarded United States \$40,000. *Arbitrator*: Great Britain.

Moore, II, 1579; V, 4713; Malloy, 438; Darby, 820; Martens, 2d Series, XXII, 375; For. Rels. U. S. (1896), 103; Brit. and For. St. Paps., vol. 86, p. 1174; vol. 88, p. 552; La Fontaine, 449.

France

French Indemnity of 1831.

Mutual claims arising out of depredations at sea during the Napoleonic wars. Settled in 1836, under a convention signed July 4, 1831, by the provisions of which the French Government agreed to pay the sum of 25,000,000 francs and the United States to pay to France the sum of \$1,500,000. *Diplomatic Settlement.*

Malloy, 523; Darby, 894; Moore, V, 4447; Am. St. Paps., For. Rels., III, 25, 80, 244, 324; V, 152, 204, 642, 672.

Mutual Claims.

Claims for compensation for injuries sustained by the citizens of both countries during the Mexican War of 1863, the American Civil War, and the Franco-German War of 1870. Settled in 1884, by a mixed commission under a convention signed January 15, 1880. Awarded the United States 13,659.14 francs; awarded against the United States \$625,566.35. *Commissioners*: 1 United States, 1 France. *Umpire*: Brazil.

Moore, II, 1133; V, 4715; Darby, 801; Martens, 2d Series, VI, 493; IX, 700; Clercq, XII, 519; XIV, 42, 132; La Fontaine, 227; Malloy, 535.

Germany

Military Operations in Samoa.

Claims for damages resulting from military operations of Great

Britain and the United States in bombarding Apia in 1899. Settled in 1902 by arbitration, under a convention signed November 7, 1899. Awarded Germany as against the United States and Great Britain £50,000, of which one-half, £25,000 (\$121,500), was paid by the United States. *Arbitrator*: Sweden and Norway.

Malloy, 1589; Darby, 835; MS., Dep't of State; La Fontaine, 613.

Great Britain

St. Croix River Boundary.

Controversy as to what river was intended under the name of the river St. Croix mentioned in the Treaty of Peace of 1783. Settled by arbitration by a commission in 1798, under treaty signed November 19, 1794. Award in favor of the United States. *Commissioners*: 1 United States, 1 Great Britain. *Umpire*: United States.

Malloy, 593; Moore, I, 1; V, 4720; Darby, 769; Hertslet, IX, 761; La Fontaine, 1.

Recovery of Debts.

Arose out of acts of certain States which passed laws impeding the recovery of sums of money by British subjects prior to the war of the revolution. Settled finally by convention signed January 8, 1802, under the terms of which the United States agreed to pay to Great Britain the sum of \$2,664,000, the total claim. The mixed commission originally appointed under the treaty of 1794, composed of 5 commissioners (3 Great Britain and 2 United States), had been unable to reach an agreement. *Diplomatic settlement.*

Malloy, 594, 610; Moore, V, 4727.

Maritime Seizures and the Rights and Duties of Neutrals.

Mutual claims arising from losses and damages sustained by irregular and illegal captures or condemnation during the revolution. Settled by arbitration by a commission in 1804, under Article VII, of the treaty of November 19, 1794. Awarded the United States \$11,656,000; awarded Great Britain \$143,428.14. *Commissioners*: 2 United States, 2 Great Britain. *Umpire*: United States.

Darby, 770; Moore, I, 299; V, 4720; La Fontaine, 4; Am. St. Paps., For. Rels., I, 140, 184, 239, 315, 401, 430, 472.

Passamaquoddy Bay.

Question of ownership of certain islands in the Bay. Settled by arbitration by a commission under Article IV of the treaty signed

December 24, 1814. Award divided ownership with preponderance against the United States. *Commissioners*: 1 United States, 1 Great Britain.

Moore, I, 45; V, 4728; Darby, 772; Brit. and For. St. Paps., vol. 4, p. 805; vol. 5, p. 198; Martens, II, 76; Am. St. Paps., For. Rels., I, 92; II, 584; IV, 171, 808; Malloy, 614.

Northern Boundary.

Boundary along the middle of the Great Lakes, etc., to the water communication between Lakes Huron and Superior; also boundary to the Lake of the Woods. Under Articles VI and VII, of the treaty signed December 24, 1814, the questions were referred to a joint commission for arbitration, which, however, disagreed. The questions were finally settled under Articles VI and VII of the Webster-Ashburton Treaty, signed August 9, 1842. *Commissioners*: 1 United States and 1 Great Britain, disagreed. *Diplomatic Settlement.*

Am. St. Paps., For. Rels., II, 584; III, 164; IV, 808; La Fontaine, 15; Brit. and For. St. Paps., vol. 57, p. 803; Moore, I, 162, 171; V, 4728; Darby, 772; Malloy, 612.

Northeastern Boundary.

Controversy over the boundary of the United States from the source of the river St. Croix to the river St. Lawrence. Under Article V, of the treaty of December 24, 1814, provision was made for a commission to determine this boundary. The commission, however, was unable to agree and finally adjourned April 13, 1822. The question was then referred to the arbitration of the King of the Netherlands under treaty of September 29, 1827. Award rendered January 10, 1831, but was not decisive. The boundary was finally settled by the Webster-Ashburton Treaty of 1842. *Diplomatic Settlement.*

Moore, I, 65; V, 4728; Darby, 772; Martens, VII (pt. 2), p. 491; Hertslet, XVIII, 1249; Am. St. Paps., For. Rels., II, 584; III, 162; IV, 647, 808; V, 50; Brit. and For. St. Paps., vol. 15, p. 469; vol. 22, p. 772; vol. 23, p. 404; vol. 24, p. 1179; vol. 25, p. 903; vol. 27, p. 821; La Fontaine, 8; Malloy, 615.

Obligation as to Slaves.

Controversy respecting the true intent and meaning of Article I of the Treaty of Ghent of December 24, 1814, respecting the restoration of, or compensation for, slaves in territory in possession of British at time of ratification of that treaty, which territory was to be restored to the United States. Settled by arbitration, decision being rendered April 22, 1822, under the convention of October 20, 1818. Award in favor of the United States. The

amount of compensation was not fixed by this award, but was left to a mixed commission under a convention signed July 12, 1822, which rendered its decision November 13, 1826. Awarded the United States \$1,204,960. *Arbitrator*: Russia. *Commissioners*: 2 United States, 2 Great Britain.

Moore, I, 350; V, 4733; Darby, 775; Am. St. Paps., For. Rels., III, 735; IV, 106, 376; V, 214; La Fontaine, 17, 619; Malloy, 631, 634.

Mutual Claims Which Had Arisen Since the Treaty of Ghent.

Settled in 1854 by a mixed commission under a convention signed February 8, 1853. Awarded the United States \$329,734.16; awarded Great Britain \$277,102.88. *Commissioners*: 1 Great Britain, 1 United States. *Umpire*: Great Britain.

Moore, I, 391; IV, 4349; Darby, 782; Malloy, 664; La Fontaine, 31.

Hudson's Bay and Puget's Sound Agricultural Companies.

Claims of these British companies on account of appropriation of lands once possessed by them in territories of Oregon and Washington. Settled by arbitration in 1865, under the treaty signed July 1, 1863. Awarded title of the land to the United States upon payment of cash consideration of \$650,000 to Great Britain. *Commissioners*: 1 United States, 1 Great Britain. *Umpire*: United States.

Moore, I, 237; V, 4749; Darby, 788; La Fontaine, 44; For. Rels. U. S. (1871-72), 532; Malloy, 688.

"Alabama" Claims.

Claims of American citizens for compensation for losses and damages occasioned by acts of the *Alabama* and other privateers fitted out in British waters. Settled in 1872, by arbitration by a mixed commission under Articles 1-11 of the treaty of May 8, 1871. Awarded United States \$15,500,000. *Commissioners*: 1 United States, 1 Great Britain, 1 Italy, 1 Switzerland, and 1 Brazil.

Moore, I, 495; Darby, 794; Malloy, 701, footnote; La Fontaine, 138.

Civil War Claims.

Mutual Claims of subjects arising out of military operations during the Civil War. Settled in 1873, by arbitration by a mixed commission under Articles 12-17 of the treaty signed May 8, 1871. Awarded Great Britain \$1,929,819. *Commissioners*: 1 United States, 1 Great Britain. *Umpire*: Italy.

Moore, I, 683; III, 2201; Darby, 795; Malloy, 705, footnote; Martens, 2d Series, I, 37; Hertslet, XIV, 1180; La Fontaine, 144.

Coast Fishery Rights.

Controversy as to pecuniary compensation due Great Britain in consideration of the greater value of fishing privileges conferred by Great Britain on the United States under Articles 18-21 of the Treaty of Washington. Settled in 1878 by arbitration by a mixed commission under Articles 22-25 of the Treaty of Washington, signed May 8, 1871. Awarded Great Britain \$5,500,000. *Commissioners*: 1 United States, 1 Great Britain, 1 Belgium.

Moore, I, 703; V, 4751; Darby, 795; Moore, Digest, I, 799; Malloy, 708, footnote; Hertslet, XIV, 1185; La Fontaine, 148.

San Juan Water Boundary.

Dispute as to the boundary line through the channel separating the continent from Vancouver Island. Settled in 1872, by arbitration under Articles 34-37 of the Treaty of Washington. Award in favor of United States. *Arbitrator*: Germany.

Moore, I, 196; V, 4756; Darby, 796; Malloy, 716; Brit. and For. St. Paps., vol. 50, p. 796; vol. 55, pp. 743, 1211, 1284; vol. 56, p. 1406; vol. 59, p. 21; vol. 62, p. 188; La Fontaine, 149; Martens, XX, 775.

Bering Sea Seal Fisheries.

Controversy as to the jurisdictional rights of the United States in the Bering Sea. Settled in 1893 by arbitration under the convention signed February 29, 1892. Award against the United States in the matter of ownership of the seals outside of the maritime jurisdiction and in favor of the United States to the extent that necessity for regulation was admitted. *Arbitrators*: 2 United States, 2 Great Britain, 1 France, 1 Italy, 1 Sweden and Norway.

Moore, I, 755; II, 2123; V, 4759; Darby, 819; Malloy, 746; Martens, 2d Series, XVIII, 592; XXII, 557; Hertslet, XIX, 925; For. Rels., U. S. (1890), 358; (1891), 530; La Fontaine, 422.

Bering Sea Claims.

Claims of British subjects for seizure and detention of vessels and sailing fleets prior to 1892 in Bering Sea waters outside of the maritime limit. The United States in 1894 offered to pay, subject to consent of Congress, \$425,000 in full settlement. This was accepted by Great Britain. Congress did not appropriate the money and a mixed commission was appointed under a convention signed February 8, 1896, to determine the exact amount of damages in the case. Awarded Great Britain, December 17, 1897, \$473,151.26. *Commissioners*: 1 Great Britain, 1 United States.

Moore, I, 960; II, 2123; V, 4764, 5067; Darby, 825; Malloy, 766; Hertslet, XX, 935; La Fontaine, 520.

Alaskan Boundary.

Controversy as to the boundary between Alaska and the Dominion of Canada. Settled in 1903 by arbitration by a joint commission under the convention signed January 24, 1903. Award largely in favor of the United States. *Arbitrators:* 3 United States, 3 Great Britain.

Malloy, 787; Darby, 908; S. Doc. No. 162, 58th Cong., 1st Sess.

North Atlantic Coast Fisheries.

Controversy as to the rights of American citizens in North Atlantic Coast waters, granted by Article 1 of the convention of October 20, 1818. Settled in 1910, by arbitration by the Permanent Court at The Hague under a special agreement signed January 27, 1909. Award on five of the seven questions favorable to the United States; on the other two questions a compromise. *Arbitrators:* 1 United States, 1 Great Britain, 1 Austria, 1 Netherlands, 1 Argentine Republic.

Moore, I, 426; V, 4747; La Fontaine, 437; Malloy, 835; S. Doc. No. 870, 61st Cong., 3d Sess.

Pecuniary Claims.

By an agreement signed August 18, 1910, certain outstanding claims were referred to arbitration, as recommended by Article 38 of the Hague Convention of October 18, 1907. The arbitration is still pending. *Arbitrators:* 1 United States, 1 Great Britain, 1 France.

S. Doc. No. 1063, 62d Cong., 3d Sess., p. 50.

Guatemala*Mutual Claims.*

Arising out of a contract between the Government of Guatemala and a citizen of the United States concerning the building of the Guatemala Northern Railroad and for damages caused by civil and military authorities of Guatemala. Settled by Arbitrator under agreement of February 23, 1900. Award of \$143,750.73 in favor of United States. *Arbitrator:* Great Britain.

Moore, Digest, VI, 730; For. Rels. U. S. (1900), 648; Malloy, 871.

Haiti*Personal Claims.*

Arising out of charges against American citizens of piracy and traffic in slaves, and the non-execution of a contract in connection with a government concession for a bank. Settled by arbitrator

under protocol of May 24, 1884. Award of \$174,750, in favor of the United States, set aside by Department of State. *Arbitrator*: United States.

Moore, II, 1749; V, 4768; Darby, 806; For. Rels. U. S. (1887), 630; Malloy, 932, 935; Martens, 2d Series, XI, 798; Brit. and For. St. Paps., vol. 75, p. 382; La Fontaine, 245.

Personal Claims.

Damages sustained during a riot at Port au Prince, September, 1883. Settled by a mixed commission under verbal agreement of January 25, 1885. Award of \$5,700 in favor of the United States. *Commissioners*: 2 United States, 2 Haiti.

For. Rels. U. S. (1883), 594; (1885), 500; Moore, II, 1859.

Arbitrary Arrest and Imprisonment.

Arrest and imprisonment of an American citizen and denial of legal rights at Port au Prince in 1884. Settled by arbitrator under protocol of May 24, 1888. Award of \$60,000 in favor of the United States. *Arbitrator*: United States.

Darby, 813; Malloy, 935; Moore, II, 1807; V, 4770; For. Rels. U. S. (1884), 316; (1885), 498; (1888, pt. 1), 984, 1007; La Fontaine, 301.

Illegal Seizure and Sale of Property.

Claim for seizure and sale of property belonging to American citizen by the Government of Haiti, and for breach of contract. By agreement of October 18, 1899, referred to arbitrator. Award of \$23,000 in favor of the United States. *Arbitrator*: United States.

Malloy, 936; Darby, 835; Brit. and For. St. Paps., vol. 92, p. 461.

Mexico

Personal Indemnities.

Claims of United States citizens for damages suffered during numerous revolutions. All claims referred by convention of April 11, 1839, to an arbitral commission. Awarded United States, \$671,798.08. Remaining unadjudicated claims referred to another commission by convention of January 30, 1843. War with Mexico intervened, and at the close of the war the United States, in consideration of territory ceded by Mexico under the treaty of February 2, 1848, agreed not only to pay the liquidated claims under the conventions of 1839 and 1843, but also to discharge Mexico from all claims of citizens of the United States not heretofore decided against the Mexican Government and to make satisfaction for the same to an amount not exceeding three and one-

quarter million dollars. For this purpose the United States established a board of commissioners whose awards amounted to \$3,208,314.96. *Diplomatic Settlements.*

Moore, II, 1209; V, 4771; Darby, 778; Malloy, 1101, 1105, 1107; La Fontaine, 21; MS., Dep't of State.

Mutual Claims.

Various claims and counter-claims which had arisen since the Treaty of Guadalupe Hidalgo in 1848. Settled by a mixed commission under a convention dated July 4, 1868. Awards, \$4,125,622.20 in favor of the United States, \$150,498.41 in favor of Mexico. *Commissioners:* 1 United States, 1 Mexico. *Umpire:* Great Britain.

Moore, II, 1287; V, 4773; Darby, 791; Malloy, 1128; Calvo, II, 570; La Fontaine, 70.

Personal Injuries.

Suffered by American citizens at the hands of Mexican agents in 1892. Settled by arbitrator under a special convention of March 2, 1897. Award in favor of Mexico. *Arbitrator:* Argentine Republic.

Malloy, 1180; Darby, 828; For. Rels. U. S. (1897), 378; Brit. and For. St. Paps., vol. 90, p. 1252; La Fontaine, 558.

Pious Fund of the Californias.

Claim advanced by and on behalf of prelates of the Roman Catholic Church of California against Mexico for annual interest in arrears on a certain fund known as the "Pious Fund of the Californias." Settled by Permanent Court at The Hague under the protocol of May 22, 1902. Award of permanent future annual interest of \$43,050.99, Mexican money, and arrears amounting to \$1,420,082.67, Mexican money (approximately \$710,041.33, United States money), in favor of the United States. *Arbitrators:* 1 Great Britain, 1 Russia, 2 Netherlands, 1 Denmark.

Ralston's Report; Malloy, 1194; Darby, 901.

Chamizal Tract.

Controversy over the ownership of a tract of land situated on the Rio Grande River near El Paso, Texas. Submitted to a mixed commission in 1911, under agreement signed June 24, 1910. Award indecisive and question is still subject of diplomatic negotiation. *Commissioners:* 1 United States, 1 Mexico. *Umpire:* Great Britain.

Chamizal Arbitration; MS., Dep't of State; Am. J. Int. Law, IV, 925; V, 709, 782-832.

Nicaragua

Illegal Seizures of "Buena Ventura" and "Alerta."

Seizure and detention by Nicaraguan authorities of the two steam launches *Buena Ventura* and *Alerta* belonging to American citizens. Also claim of an American company for seizure of certain goods belonging to it. Settled by an arbitrator under an agreement signed March 22, 1900. Award of \$8,365.94, in favor of the United States. *Arbitrator*: United States.

Malloy, 1290; Darby, 837; La Fontaine, 616.

Paraguay

United States and Paraguay Navigation Company.

Confiscation of property rights, interference with the business and expulsion of the company from the country. Settled by a commission under convention of February 4, 1859. Award in favor of Paraguay. *Commissioners*: 1 United States, 1 Paraguay.

Moore, II, 1485; V, 4781; Malloy, 1362; Darby, 785; Brit. and For. St. Paps., vol. 49, p. 485; La Fontaine, 37, 620.

Peru

Indemnity for Destruction of Property.

Seizure and destruction of property by the Peruvian Government. By a convention signed March 17, 1841, the Peruvian Government agreed to pay the United States 300,000 "hard dollars," to be distributed among the claimants in a manner prescribed by the United States Congress. The United States Congress directed the Attorney General to adjudicate the claims. Award of \$421,432.41 in favor of the United States. *Diplomatic Settlement*.

Moore, V, 4591; Darby, 895; Malloy, 1386.

Maritime Captures.

Illegal capture and confiscation of two American ships, *Lizzie Thompson* and *Georgiana*, in January, 1858. Settled by arbitrator under agreement of December 20, 1862, in that the arbitrator declined to act, and his reasons given for such declination convinced the United States that its claim was untenable. Claim withdrawn by United States. *Arbitrator*: Belgium.

Moore, II, 1593; V, 4785; Malloy, 1406; Darby, 787; Brit. and For. St. Paps., vol. 54, p. 1123; La Fontaine, 41.

Mutual Claims.

Settled by mixed commission under convention signed January 12,

1863. Awards in favor of United States, \$57,196.23; in favor of Peru, \$25,300. *Commissioners*: 2 United States, 2 Peru. *Umpire*: Colombia.

Moore, II, 1615; V, 4786; Malloy, 1408; Darby, 788; Brit. and For. St. Paps., vol. 54, p. 1124; La Fontaine, 43.

Mutual Claims.

Various claims arising since 1863. Settled by an arbitral commission under convention of December 4, 1868. Awards in favor of the United States, \$194,417.62; in favor of Peru, \$57,040. *Commissioners*: 1 United States, 1 Peru. *Umpires*: 1 Great Britain, 1 Colombia, acting by lot.

Moore, II, 1639; V, 4788; Darby, 792; Malloy, 1411; Brit. and For. St. Paps., vol. 59, p. 268; La Fontaine, 79.

Personal Injuries.

Damages claimed by an American citizen who was arrested, fined and deprived of his occupation during Revolution of 1885. Settled by arbitrator under the agreement of May 17, 1898. Award of \$40,000 in favor of the United States. *Arbitrator*: Great Britain.

Malloy, 1443; Darby, 832; La Fontaine, 612.

Portugal

Violation of Neutrality.

Alleged non-fulfilment of neutral duty in permitting destruction of American ships by British fleet in Portuguese waters. Settled by arbitrator under the treaty of February 26, 1851. Award in favor of Portugal. *Arbitrator*: France.

Moore, II, 1071; V, 4791; Malloy, 1458; Darby, 781; Brit. and For. St. Paps., vol. 42, p. 1378; vol. 45, p. 465; Clercq, VI, 237; La Fontaine, 30.

Delagoa Bay Railway Concession.

Seizure and confiscation in 1889 of railroad concessions held by American and British citizens under grant from the Portuguese Government. Submitted to arbitration by exchange of notes on August 13, 1890, and a protocol dated June 13, 1891. Award, in favor of the United States and Great Britain, of 15,314,000 francs, Swiss money, in addition to £28,000 paid on account in 1890. Total award, \$3,091,682, of which the United States received \$412,619.28. *Arbitrators*: 3 Switzerland.

Moore, II, 1865; Malloy, 1460; Darby, 816; La Fontaine, 397.

Russia

Seizure of Ships.

Capture of American fishing vessels in the Bering Sea within seven miles of the Asiatic coast by Russian cruisers. Settled by arbitration under a protocol signed September 8, 1900. Awards of \$114,670 in favor of the United States. *Arbitrator*: Netherlands.

Malloy, 1532; Darby, 837; La Fontaine, 618, 645.

Salvador

Confiscation of Gunpowder.

In September, 1851, an American citizen imported gunpowder into Salvador and had disposed of a part of it when, in 1852, the sale of gunpowder was decreed a government monopoly. Claimant was unable to dispose of the balance of powder he had on hand and the same was confiscated by the government. Claim settled by arbitration under an agreement of May 4, 1864. Award of \$4,497.50 in favor of United States. *Arbitrators*: 3 Latin America.

Moore, II, 1855; Darby, 789.

Salvador Commercial Company.

Claims of Salvador Commercial Company arising out of alleged appropriation of certain rights conceded to it by the Government of Salvador. Submitted to arbitration under protocol dated December 19, 1901. Award of \$537,178.64, in favor of the United States. *Commissioners*: 1 United States, 1 Salvador. *Umpire*: Great Britain.

Malloy, 1568; Darby, 901.

Siam

Military Assault on Vice-Consul.

Attack on the American Vice-Consul by Siamese soldiers, on November 19, 1896. In 1897 the question was submitted to arbitration. Award in favor of United States, requiring Government of Siam to publish official regrets. *Commissioners*: 1 United States, 1 Siam.

Moore, II, 1862; Darby, 831; La Fontaine, 604.

Personal Injuries.

Claim of an American citizen for seizure and sale of personal property by the Siamese Government in 1889. Settled by arbitration under protocol of an agreement dated July 26, 1897. Award

of \$196,713.36 in favor of the United States. *Arbitrator*: Great Britain.

Moore, II, 1899; V, 5068; Darby, 831; S. Doc. No. 180, 54th Cong., 2d Sess.; For. Rels. U. S. (1897), 479; La Fontaine, 579.

Spain

Maritime Captures.

Claims against Spain for depredations committed upon American ships during the war between Spain and France. Settled by commission under the treaty of October 27, 1795. Award of \$325,440.075 in favor of the United States. *Commissioners*: 1 United States, 1 Spain. *Umpire*: United States.

Moore, II, 991; V, 4796; Malloy, 1640; Darby, 770; La Fontaine, 79; Am. St. Paps., For. Rels., I, 45, 48, 277, 533; II, 283; IV, 530.

East and West Florida Claims.

Indemnity to Spanish subjects for injuries received during operations of the American army in Florida, under Article 9 of the treaty of February 22, 1819. By act of Congress of March 3, 1823, claimants were remitted to the superior courts of St. Augustine and Pensacola, the judges thereof being authorized to form a tribunal. The sum eventually paid by the United States was \$1,024,741.44. *Diplomatic Settlement.*

Moore, V, 4519; Malloy, 1651; Darby, 893; Am. St. Paps., For. Rels., I, 63; II, 564; III, 538; IV, 422, 776.

Claims of American Citizens under Treaty of 1819.

Payment by the United States of claims of its own citizens then existing against Spain, under Article 11 of the treaty. Award \$5,000,000. *Diplomatic Settlement. Domestic Commission.*

Moore, V, 4487; Malloy, 1651; Darby, 893; La Fontaine, 7.

Claims Settlement of 1834.

Indemnities to various American claimants, provision for the payment of which was made by Spain in a convention signed February 17, 1834. Distribution of \$549,850.28, made by United States to claimants, January 31, 1838. *Diplomatic Settlement.*

Moore, V, 4533; Malloy, 1659; Darby, 895; Brit. and For. St. Paps., vol. 18, p. 2.

"Colonel Lloyd Aspinwall."

Seizure and detention by Spain, in 1870, of the American steamer *Colonel Lloyd Aspinwall*. Settled by arbitration commissioners under exchange of notes dated May 25, 1870, and June 16, 1870.

Award of \$19,702.50 in gold in favor of the United States. *Commissioners*: 1 United States, 1 Spain.

Moore, II, 1007; Darby, 793; La Fontaine, 154.

Cuban Insurrection of 1868.

Claims for wrongs inflicted upon American citizens during Cuban insurrection of 1868. Settled by mixed commission under the diplomatic agreement of February 12, 1871. Award of \$1,293,450.55 in favor of the United States. *Commissioners*: 1 United States, 1 Spain. *Umpires*: 1 Austria, 1 France, 1 Italy, 1 Sweden and Norway (changed because of resignations).

Moore, II, 1019; V, 4802; Malloy, 1661; Darby, 794; Martens, 2d Series, I, 19; La Fontaine, 134, 640.

Steamer "Virginius."

Indemnity demanded for outrages inflicted on officers and crew of the steamer while in Cuban waters. By an agreement of February 27, 1875, Spain agreed to pay \$80,000. *Diplomatic Settlement.*

Malloy, 1664.

Bark "Masonic."

Seizure and detention of American ship *Masonic* at Manila in 1879. Settled by arbitrator under agreement by mutual notes, signed at Madrid, February 28, 1885. Award of \$51,674 in favor of the United States, which was \$2,600 in excess of the amount claimed. *Arbitrator*: Italy.

Moore, II, 1055; For. Rels. U. S. (1885), 678; Darby, 808; La Fontaine, 281.

Two Sicilies

Neapolitan Indemnity.

Claims arising out of depredations on American vessels during Napoleonic wars. By the convention of October 14, 1832, the King of the Two Sicilies agreed to pay the United States 2,115,000 Neapolitan ducats in settlement. Awards rendered in 1835 of \$1,925,034.68 in favor of the United States. *Diplomatic Settlement.*

Moore, V, 4575; Darby, 894; Am. St. Paps., For. Rels., IV, 160; Malloy, 1804.

Venezuela

Claims Settlement of 1852.

Indemnity for capture and confiscation, in 1818-19 and 1827, of certain American vessels. By the convention of May 1, 1852, Venezuela agreed to pay the United States \$90,000. *Diplomatic Settlement.*

* Malloy, 1842.

Aves Island Case, 1859.

Claims for damages caused by eviction of American citizens from the island by Venezuelan authorities. By the convention of January 14, 1859, Venezuela agreed to pay the United States \$130,000. *Diplomatic Settlement.*

Malloy, 1843.

Pecuniary Claims.

Outstanding claims of American citizens against the Government of Venezuela were submitted to mixed arbitration commissions by the conventions of April 25, 1866, December 5, 1885, March 15, 1888, and October 5, 1888. Award of \$980,572.60 in favor of the United States. *Commissioners:* 1 United States, 1 Venezuela. *Umpire:* First commission, Venezuela; second commission, United States.

Malloy, 1856, 1858, 1865, 1866, 1867, note; Moore, II, 1659; V, 4808.

Seizure of Ships.

Claims arising from seizure of American ships and imprisonment of crews by the Venezuelan Government. Settled by mixed commission under convention signed January 19, 1892. Award of \$141,800 in favor of the United States and \$300 in favor of Venezuela. *Commissioners:* 1 United States, 1 Venezuela. *Umpire:* Sweden and Norway.

Moore, II, 1693; III, 2238; V, 4818; Malloy, 1868; Darby, 818; Martens, 2d Series, XXII, 263; La Fontaine, 420.

Pecuniary Claims.

Various claims of citizens of the United States. Settled by mixed commission under protocol of February 17, 1903. Award of \$2,313,711.37 in favor of the United States. *Commissioners:* 1 United States, 1 Venezuela. *Umpire:* Netherlands.

Malloy, 1870; Darby, 909; Morris' *Report*; *Venezuelan Arbitrations of 1903*, Ralston's *Report*.

Preferential Treatment of Blockading Powers.

Contention of Great Britain, Germany and Italy in 1903 that those countries should receive payment of obligations of Venezuela prior to payment of obligations owing to other Powers. Referred to Permanent Court of Arbitration at The Hague under protocols of agreements of May 7, 1903, between Great Britain, Germany, Italy, and Venezuela to which United States assented under date of May 27, 1903. Settled by award of February 22, 1904, in favor of the blockading Powers. *Arbitrators*: 2 Russia, 1 Austria.

Malloy, 1872; Penfield's *Report*.

Orinoco Steamship Company.

Arose out of decision by umpire of the claim of this company presented to the mixed commission of 1903 between the United States and Venezuela. Two questions were presented: First, question of reopening the arbitral decision; second, claim for an amount additional to the \$28,000, awarded by the umpire in the case before the mixed commission. Settled by award dated October 25, 1910, of the Permanent Court of Arbitration at The Hague, under a protocol signed February 13, 1909. Decision in favor of the United States on both points in that the original award was opened and a new award of \$90,000 rendered, which included the \$28,000 awarded by the mixed commission. *Arbitrators*: 1 Cuba, 1 Belgium. *Umpire*: Austria.

Orinoco Steamship Company Arbitration; Malloy, 1881; MS., Dep't of State.

United States and Venezuela Company.

By a protocol signed August 21, 1909, certain concessions held by this company were released to the Government of Venezuela, which agreed to pay to the United States \$475,000. All claims between Venezuela and the company were declared satisfied. *Diplomatic Settlement*.

Malloy, 1887.

The Orinoco Corporation.

By a protocol signed September 9, 1909, the concession held by this company was released to the Government of Venezuela, which agreed to pay to the United States the sum of \$385,000. All claims between Venezuela and the company were declared satisfied. *Diplomatic Settlement*.

Malloy, 1889.

SUMMARY

COUNTRY	Awards or settle- ments in favor of United States.	Awards or settle- ments against United States.	Awards or settle- ments favoring all parties.	TOTAL AWARDS	
				In favor of United States	Against the United States
Brazil	3			\$ 725,460.04	
Chile	3		1	1,237,693.13	\$ 3,000.00
China	3			11,739,838.97 ^a	
Colombia	3			618,003.66	
Costa Rica	1			25,704.14	
Denmark	1	1		650,000.00	
Dominican Republic	3			4,770,661.17	
Ecuador	2			134,799.56	
France			2	4,827,636.21	2,125,566.35
Germany		1			121,500.00
Great Britain	4	5	8 ^b	28,690,694.16	11,637,501.28
Guatemala	1			143,750.73	
Haiti	4			263,450.00	
Mexico	1	1	3	4,835,663.53 ^c	3,358,813.37 ^d
Nicaragua	1			8,365.94	
Paraguay		1			
Peru	2	1	2	713,046.26	82,340.00
Portugal	1	1		412,619.28	
Russia	1			114,670.00	
Salvador	2			541,676.14	
Siam	2			196,713.36	
Spain	6	2		2,320,117.40	6,024,741.44 ^e
Two Sicilies	1			1,925,034.68	
Venezuela	7	1	1	4,606,083.97	300.00
Totals.....	52	14	17	\$69,501,682.33	\$23,353,762.44

Grand Total of Awards.....\$92,855,444.77

In favor of the United States.....\$69,501,682.33=74.8 per cent.

Against the United States.....\$23,353,762.44=25.2 per cent.

a. Of the total amount recovered from China, \$11,000,000 represents the indemnity finally exacted by the United States on account of the Boxer Insurrection of 1900. Of this sum, \$2,000,000 was allotted by the State Department to claimants; \$2,000,000 more was reserved by Congress to settle any additional amounts which might be found due claimants through determination of damages by the Court of Claims; and \$7,000,000 represents the combined estimated cost of the insurrection to the War and Navy Departments.

b. Of the eight cases listed under this heading, two were mutual pecuniary claims arbitrations in which the United States recovered \$11,985,734.16 and Great Britain \$2,350,350.02, a recovery by the United States of \$9,635,384.14 more

than Great Britain. Thus these two arbitrations might properly be classed as won by the United States rather than under the heading as listed. Of the six remaining arbitrations and settlements under this head, two were boundary disputes, finally settled by treaty, which may be termed compromises generally satisfactory to both sides; one a boundary dispute decided largely against the United States; one a boundary dispute (the Alaskan Boundary), which was almost entirely in favor of the United States; one a question of interpretation of treaty rights (North Atlantic Coast Fisheries), in which the United States won five out of the seven questions submitted and, as a final result of the arbitration, practically gained its contentions as to the other two questions in controversy; and one is still pending.

c. Of the amount listed under this head, \$710,041.33 (\$1,420,082.67 Mexican money) represents a recovery by the United States in what is known as the "Pious Fund Case." The decision also required the Government of Mexico to pay to the United States the sum of \$43,050.99 (Mexican money) annually in perpetuity. In computing the total amounts recovered this latter annual payment has not been considered.

d. Of the total amount listed as recovered by Mexico from the United States, viz: \$3,358,813.37, the sum of \$3,208,314.96 does not really represent an award against the United States; it represents the amount of indemnity demanded by citizens of the United States who held claims against the Government of Mexico at the conclusion of the Treaty of Guadalupe Hidalgo of February 2, 1848. In consideration of a large tract of land ceded by Mexico under the terms of the treaty, the United States assumed the payment of these claims.

e. \$5,000,000 of this sum was paid by the United States to its own citizens under Treaty of 1819.

